



REMARKS

In this response to the October 25, 1999 Communication, Applicants are acquiescing to the Restriction Requirement delineated by the Examiner by having canceled the non-elected claims 126-155 above.

**The Restriction Requirement Under 35 U.S.C. §121**

In the October 25, 1999 Communication, the Examiner required restriction under 35 U.S.C. §121 to one of the following inventions:

- I. Claims 121-148 are drawn to a transplantation process, classified in Class 424, subclass 93.
- II. Claims 149-155 are drawn to a process for reducing immunological effect of an infectious agent, classified in Class 424, subclass 204.1 .

In the Communication, (page 2) the Examiner stated:

Inventions I and II are different methods. These methods use different ingredients and different process steps to achieve different goals. Invention I is drawn to a method of transplanting cells which uses cells for transplantation, while invention II is drawn to a process for reducing immunological effect of an infectious agent which uses infectious agent derived antigens not used in the method of invention I. Therefore they are novel and unobvious in view of each other and are patentably distinct.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II and Groups I and II have acquired a separate status in the art as shown by their different classification and divergent subject matter, restriction for examination purposes as indicated is proper.

In response, Applicants hereby elect the invention of Group I, claims 121-148. Concurrently with the filing of this response, Applicants are filing a new divisional application in order to pursue the subject matter of the non-elected claims 149-155.

Jayanta Roy-Chowdhury et al.

Serial No. 08/808,629

Filed: February 28, 1997

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Cancellation Of Non-Elected Claims – November 23, 1999]

Favorable action on the elected claims in this application is respectfully  
requested.

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Serial No. 08/808,629  
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**SUMMARY AND CONCLUSION**

Claims 121-155 were previously pending in this application. In response to the restriction requirement, Applicants have canceled the non-elected claims of Group II, claims 149-155, such claims now being pursued in a concurrently filed divisional application. Accordingly, elected claims 121-148 are presented for further examination.

No fee is believed due in connection with this paper. In the event that any fee or fees are due, however, the Patent and Trademark Office is hereby authorized to charge the amount of any such fee to Deposit Account 05-1135, or to credit any overpayment thereto.

If helpful to processing this Amendment, the undersigned may be contacted by telephone at (212) 583-0100 during the daytime hours.

Respectfully submitted,

  
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